

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JANET BURTON, individually and on
behalf of all other similarly situated,

Plaintiff,

v.

IYOGI, INC.,

Defendant.

No. 13-CV-06926 (DAB)

ECF Case

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant iYogi, Inc.'s Motion to Dismiss Plaintiff Janet Burton's Complaint, the Declaration of Paul Bartholomew Green, dated December 16, 2013 and the exhibits attached thereto, defendant iYogi, Inc., by and through its undersigned counsel, will move this Court before the Honorable Deborah A. Batts, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, at such date and time as the Court shall designate, for an order, pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing plaintiff's complaint in its entirety, with prejudice.

PLEASE TAKE FURTHER NOTICE that Local Civil Rule 6.1(b)(2) requires that any opposing affidavits and answering memoranda shall be served within fourteen (14) days after service of these moving papers.

PLEASE TAKE FURTHER NOTICE that iYogi, Inc.'s reply affidavits and memoranda of law shall be served and filed, in accordance with Local Civil Rule 6.1(b)(3), within seven (7) days after service of the answering papers.

Dated: New York, New York
December 16, 2013

Respectfully submitted,

/s/ Paul Bartholomew Green

Jayant W. Tambe

Thomas E. Lynch

Paul Bartholomew Green

JONES DAY

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Attorneys for Defendant iYogi, Inc.

DECLARATION OF SERVICE

Paul Bartholomew Green, an attorney admitted to practice before the bar of this Court, declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, that a true and correct copy of the accompanying Notice of Motion will be served via the Court's ECF electronic filing system simultaneously with the filing of this declaration, and that an additional copy will be sent to the parties listed below via UPS overnight mail.

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Dated: December 16, 2013
New York, New York

/s/ Paul Bartholomew Green
Paul Bartholomew Green